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OFFICE OF PETITIONS

In re Application of :
Jurgen Eck et al :
Application No. 09/347,064 : DECISION ON PETITION
Filed: July 2, 1999 :
Attorney Docket No. 684999-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 14, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 15, 2006. A Notice of Abandonment was mailed on October 25, 2006.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$750; and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of March 14, 2006 is accepted as being unintentionally delayed.

The petition is not accompanied by a statement of express abandonment in favor of the filing of a continuing application. In order to facilitate action, the petition to revive should include reference to the filing of a continuing application and a letter of express abandonment conditional upon the granting of the petition and of a filing date to the continuing application. Nevertheless, in view of the statement that the reply is the filing of a continuing application, this will be construed as a request to expressly abandon this application in favor of the

granting of a filing date to the continuing application. If this is an improper, petitioner must promptly inform the office.

Accordingly, this application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuing application No. 11/803,114, filed May 11, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions